

REMARKS

By this Amendment, claims 1 and 37 are canceled and claims 10, 22, 23, 25, 28 and 36 are amended. Claims 2-9, 11-21 and 38-42 are withdrawn from further consideration. Claims 24, 26, 27, and 29-35 remain as originally filed. As a result, claims 10 and 22-36 are currently pending in the application. Claims 10, 22 and 23 are amended to include patentable limitations over the cited references. Claims 25 and 28 are amended to correct dependency and to provide proper antecedent basis. Claim 36 is amended to correct an inadvertent typographical error.

Restriction

Pursuant to paragraph 1 of the above-referenced Office Action, the Examiner required restriction of the application to one of seven (7) patentably distinct species of the claimed invention. In a telephone interview with the Examiner on December 23, 2003, Applicant made a provisional election with traverse to prosecute the invention of Species 7 directed to a housing for mounting to a wall plate comprising a mechanical locking mechanism in claims 10 and 22-36. Applicants hereby affirm the election, without traverse, of claims 10 and 22-36 for further prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicants further affirm that claims 10 and 22-36 are readable on the elected species.

Claim Rejections -- 35 U.S.C. §102

Pursuant to paragraphs 4 and 5 of the Office Action, claims 23-36 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,588,866 (Monti). The Examiner asserts that Monti identically discloses each and every one of the limitations recited in the rejected claims. See Office Action at pages 4-6.

Applicants respectfully traverse the rejection. Claim 23 is amended herein to require that the locking means is *slidingly* movable between an unlocked position and a locked position, and

further, that in the locked position the slot formed in the base is *obstructed* to prevent the housing from being removed from the wall plate. Monti discloses a mechanism comprising a formed flat latch spring 50 and a retainer clip 52 for latching a wall phone to a mounting receptacle plate. The latch mechanism *automatically engages* the headed stud 24 of the mounting receptacle plate and latches to it when the phone is mounted on the wall. See Abstract.

In order to release the latch mechanism, the retainer spring arcuate end 76 ... is grasped manually and is pulled outwardly (downwardly in FIGS. 3 and 4, as shown by the lower directional arrow in FIG. 4). The split end of the retainer spring slides along the indented body of the latch spring 50 and rotates the upper end 63 of the latch spring free of the stud head as shown by the upper directional arrow in FIG. 4, the latch spring being recessed within the base. Column 4, lines 8-17.

Thus, Monti does not identically disclose a locking means that is *slidingly* movable to *obstruct* a slot formed in the base of the housing and thereby prevent the housing from being removed from the wall plate. Instead, the latch mechanism of Monti comprises a latch spring that automatically *rotates* when the phone is mounted on the wall *to engage the stud head*. Although the latch spring is arguably disposed within a slot formed in the base of the phone in both the unlocked and locked positions, the latch spring does not obstruct the slot to thereby prevent the phone from being removed from the mounting receptacle plate. The latch spring must be manually disengaged from the stud head in order to release the latch mechanism and remove the phone from the mounting receptacle plate. Thus, independent claim 23 is patentable over Monti. Claims 24-29 depend directly or indirectly from patentable base claim 23, and thus, are likewise allowable for at least the same reasons.

Claim 31 as originally filed recites a housing for mounting to a wall plate comprising a base having a slot formed therein, a cover overlying the base, and a slide lock having a grip portion adjacent one end and a stop portion adjacent the other end that does not obstruct the slot of the base in an unlocked position and obstructs the slot of the base in a locked position. For the reasons discussed above, claim 31 is patentable over Monti. Claims 32 and 33 depend directly from patentable base claim 31, and thus, are likewise allowable for at least the same reasons.

Claim 34 as originally filed recites a housing for mounting to a wall plate comprising a base having a slot formed therein, a cover overlying the base, and a push-button lock having an actuating portion adjacent one end and a stop portion adjacent the other end that does not obstruct the slot of the base in an unlocked position and obstructs the slot of the base in a locked position. For the reasons discussed above, claim 34 is patentable over Monti. Claims 35 and 36 depend directly from patentable base claim 34, and thus, are likewise allowable for at least the same reasons. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 23-36 under 35 U.S.C. §102(b).

Pursuant to paragraph 6 of the Office Action, claims 23-36 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,186,826 (Weikle). The Examiner asserts that Weikle identically discloses each and every one of the limitations recited in the rejected claims. See Office Action at pages 6-8.

Applicants respectfully traverse the rejection. Firstly, Applicants note that Weikle issued on February 13, 2001 from a U.S. patent application filed on January 21, 2000. The present application was filed on August 13, 2001, and claims priority to a U.S. provisional application filed on August 11, 2000. Accordingly, Weikle is not available as a prior art reference under 35 U.S.C. §102(b).

Secondly, claim 23 is amended herein to require that the locking means is *slidingly* movable between an unlocked position and a locked position, and further, that in the locked position the slot formed in the base is *obstructed* to prevent the housing from being removed from the wall plate. Weikle discloses a communication line adapter assembly 10 comprising a filter and a housing 20 for mounting over the studs of a wall plate. The housing comprises a spring-loaded latch 46 having a latch dog 50 that *automatically* latches the adapter assembly in place when the housing is mounted over the existing studs. See Abstract and FIG. 5.

When the adapter housing 20 and other components forming the assembly 10 is slipped over the existing mounting studs 12E of an existing wall plate ... the spring finger latch 46 will spring load so that the latch dog 50 slips under the head of the lower stud 12E,

and will engage the lower side of the heads. The adapter housing 20 then cannot be moved up to release it from the upper keyhole slot 32 unless the spring finger latch 46 is moved outwardly to permit the dog 50 to clear the head of the lower stud, as shown in dotted lines in FIGS. 2 and 5. Column 3, lines 6-18.

Thus, Weikle does not identically disclose a locking means that is *slidingly* movable to *obstruct* a slot formed in the base of the housing and thereby prevent the housing from being removed from the wall plate. Instead, the spring finger latch of Weikle comprises a spring loaded latch dog that automatically *rotates* when the housing is mounted on the wall plate to *engage the stud head*. Although the spring finger latch is arguably disposed within a slot formed in the base of the housing in both the unlocked and locked positions, the spring finger latch does not obstruct the slot to thereby prevent the housing from being removed from the wall plate. The latch dog must be manually disengaged from the stud head by rotating the spring finger latch to remove the housing from the wall plate. Thus, independent claim 23 is patentable over Weikle. Claims 24-29 depend directly or indirectly from patentable base claim 23, and thus, are likewise allowable for at least the same reasons.

Claim 31 as originally filed recites a housing for mounting to a wall plate comprising a base having a slot formed therein, a cover overlying the base, and a slide lock having a grip portion adjacent one end and a stop portion adjacent the other end that does not obstruct the slot of the base in an unlocked position and obstructs the slot of the base in a locked position. For the reasons discussed above, claim 31 is patentable over Weikle. Claims 32 and 33 depend directly from patentable base claim 31, and thus, are likewise allowable for at least the same reasons.

Claim 34 as originally filed recites a housing for mounting to a wall plate comprising a base having a slot formed therein, a cover overlying the base, and a push-button lock having an actuating portion adjacent one end and a stop portion adjacent the other end that does not obstruct the slot of the base in an unlocked position and obstructs the slot of the base in a locked position. For the reasons discussed above, claim 34 is patentable over Weikle. Claims 35 and 36 depend directly from patentable base claim 34, and thus, are likewise allowable for at least the same reasons.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejections of claims 23-36 under 35 U.S.C. §102(b) for at least the reasons stated hereinabove.

Claim Rejections – 35 U.S.C. §103

Pursuant to paragraphs 7 and 8 of the Office Action, claims 1 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Weikle in view of U.S. Patent 6,137,866 (Staber) or Excelsus Technologies, Inc. With respect to claim 1, the Examiner asserts that Weikle discloses a housing including all of the limitations of the rejected claim, except Weikle does not expressly disclose the at least one auxiliary jack. However, the Examiner asserts Staber and Excelsus teach providing a phone jack and at least one auxiliary jack, and therefore, it would have been obvious for one skilled in the art to modify Weikle's phone jack [sic: housing] with an auxiliary jack as taught by Staber and Excelsus to have both voice and data service in the communication line adapter. See Office Action at pages 8-9. With respect to claim 10, the Examiner asserts that the combination of Weikle and Staber/Excelsus shows a locking mechanism. See Office Action at page 9.

Applicants respectfully traverse the rejection. Claim 1 is canceled. Claim 10 has been amended herein to require that the locking mechanism is *slidingly* movable between an unlocked position and a locked position without the use of a tool and comprises a stop portion that *obstructs* the slot in the locked position to prevent the housing from being removed from the wall plate. Thus, claim 10 is patentable for at least the reasons discussed above with respect to the finger spring latch and latch dog disclosed in Weikle. More specifically, the finger spring latch is not *slidingly* movable and the latch dog does not *obstruct* the slot in the locked position to prevent the housing from being removed from the wall plate. In contrast, the finger spring latch *rotates* to cause the latch dog to *engage the stud head* in the locked position to prevent the housing from being removed from the wall plate. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 1 and 10 under 35 U.S.C. §103(a).

Pursuant to paragraph 9 of the Office Action, claims 31-33, 25-27, 30 and 36 stand

rejected under 35 U.S.C. §103(a) as being unpatentable over Weikle in view of Monti. With respect to claim 31, the Examiner asserts that Weikle discloses a housing including all of the limitations of the rejected claim, except Weikle does not expressly disclose a slide lock. However, the Examiner asserts Monti teaches providing a slide lock 50 having a grip portion 52 and a stop portion 64, the stop portion not obstructing the slot of the housing in an unlocked position and obstructing the slot in the locked position, and therefore, it would have been obvious for one skilled in the art to use Weikle as it is, or to adapt Monti in Weikle, as long as the basic concept of locking the adapter onto the wall plate is substantially unchanged. See Office Action at pages 9-10. With respect to claims 25-27, 30, 32-33 and 36, the Examiner asserts that the combination of Weikle and Monti shows each and every one of the claimed limitations. See Office Action at pages 10-11.

Applicants respectfully traverse the rejection. Independent claim 31 is patentable for at least the reasons discussed above with respect to the latch mechanism disclosed in Monti. More specifically, the latch mechanism is not *slidingly* movable and is disposed within the slot formed in the base of the phone in *both* the locked position and the unlocked position. Claims 25-27 and 30 depend directly or indirectly from patentable base claim 23, and thus, are likewise allowable for at least the same reasons. Claims 32-33 depend from patentable base claim 31, and thus, are likewise allowable for at least the same reasons. Claim 36 depends from patentable base claim 34, and thus, is likewise allowable for at least the same reasons. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 31, 25-27, 30, 32-33 and 36 under 35 U.S.C. §103(a).

Applicants note that the Office Action Summary lists claim 22 as being rejected. However, the Office Action does not include a prior art rejection of claim 22. Claim 22 has been amended herein to include a locking mechanism that is *slidingly* movable between an unlocked position and a locked position without the use of a tool and comprises a stop portion that *obstructs* the slot formed in the housing in the locked position to prevent the housing from being removed from the wall plate. Accordingly, claim 22 is patentable for at least the reasons discussed hereinabove.

CONCLUSION

In view of the foregoing amendments and these remarks, Applicants respectfully request the Examiner to withdraw the rejections to the claims and to reconsider the application. This Amendment is fully responsive to the Office Action and places the application in condition for immediate allowance. Accordingly, Applicants respectfully request the Examiner to issue a Notice of Allowability for the pending claims. Applicants encourage the Examiner to contact the undersigned directly to further the prosecution of any remaining issues, and thereby expedite allowance of the application.

This Amendment results in two (2) more independent claims, but no more total claims, than paid for previously. Accordingly, a fee for excess independent claims in the amount of \$172 is believed to be due. The Examiner is hereby authorized to charge the excess claims fee and any other fee due in connection with the filing of this response to Deposit Account No. 19-2167. If a fee is required for an extension of time under 37 C.F.R. §1.136 not already accounted for, such an extension is requested and the fee should likewise be charged to Deposit Account No. 19-2167. Any overpayment should be credited to Deposit Account No. 19-2167.

Respectfully submitted,



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